IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
Writ Petition No.1923 of 2006

Namdeo Mahadev Badgar — Petitioner
Vs.
Bhausaheb M. Sargar & ors. — Respondents

Mr.P.B.Shah for petititioner.

Ms.Namrata Waghole h/f. Mr.T.S.Ingale for respondent nos.2 to 5.

CORAM: B.H.MARLAPALLE,J.

June 28, 2006.

P.C.

. Heard Mr.Shah, the learned counsel for the petitioner. This petition filed under Article 227 of the Constitution assails the order dated 10/1/2006 passed by the learned Civil Judge, Junior Division at Jath partly rejecting the amendment application at Exhibit 63. The trial Court allowed the amendment to the extent of deleting the name of defendant no.3 and the same being substituted by the name of Mrs.Vimal Krishna Bandgar. The further amendments sought to be made in the plaint have not been allowed. The plaintiff wanted to add para 5A and change the averments made in paras 7 and 9 of the plaint.

. The trial Court noted, after hearing both the parties, that by the proposed amendments the

plaintiff was attempting to change the nature of the reliefs sought for and such amendments if permitted would cause prejudice to the interest of the defendants. The learned counsel for the plaintiff submitted before me that he was illegally dispossessed of the suit property in January 2004 and at least that factum of dispossession was required to be allowed so that consequent relief could be sought for. The amendment application was an integrated application and such a statement in isolation could not be considered by the trial Court. Therefore, no interference is called for in the impugned order.

. The petition is rejected summarily. In case the plaintiff makes a fresh application for amendment based solely on the allegation of forcible / illegal dispossession in January 2004 with a prima facie documentary evidence, within a period of two weeks from today, the same may be considered by the trial Court on its own merits.

(B.H.MARLAPALLE,J.)